

**In United States District Court
For the District of Delaware**

UNITED STATES OF AMERICA

v.

TIMOTHY J. WATSON

Defendant

Criminal Complaint

CASE NUMBER: 07- **54M**

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about March 25, 2007 in the District of Delaware, Defendant TIMOTHY J. WATSON did knowingly:

1) Possess in and affecting interstate commerce, a firearm, after having been convicted on or about

- On February 9, 2005 in New Castle County Delaware Superior Court, for Receiving Stolen Property, over \$1000.00.
- On July 21, 2004, in New Castle County Delaware Superior Court, for Receiving Stolen Property, over \$1000.00.
- On October 9, 2002 in Sussex County Delaware Superior Court, for Assault 2nd Degree, Reckless or Intentional Physical Injury to a Pregnant Female.
- On January 20, 1999 in New Castle County Delaware Superior Court, for Escape after Conviction
- On July 28, 1997 in New Castle County Delaware Superior Court, for Receiving Stolen Property, over \$1000.00.

All of which are crimes punishable by imprisonment for a term exceeding one year, in violation of Title 18 United States Code, Section(s) 922(g)(1) and 924(a)(2);

I further state that I am a Special Agent, Bureau of Alcohol Tobacco Firearms and Explosives and that this complaint is based on the following facts:

See attached Affidavit

AO 91 (Rev. 12/93) Criminal Complaint

Continued on the attached sheet and made a part hereof: Yes

Scott C. Curley - SA - ATF

Scott C. Curley
Special Agent, ATF

Sworn to before me and subscribed in my presence,

3/24/07
Date

at

Wilmington, DE
City and State

Honorable Mary Pat Thyng
United States Magistrate Judge
Name & Title of Judicial Officer

[Signature]
Signature of Judicial Officer

**AFFIDAVIT OF PROBABLE CAUSE IN SUPPORT OF CRIMINAL COMPLAINT
AGAINST TIMOTHY J. WATSON**

I, Scott C. Curley, being duly sworn, depose and state:

1. Your affiant is a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and that your affiant has been employed in this capacity since September 10, 2001. During that time, my duties have included the investigation of federal and state firearms offenses. During the course of your affiant's law enforcement career, your affiant has received law enforcement training on the investigation of firearms offenses on numerous occasions. During the course of your affiant's law enforcement career, your affiant has participated in the seizure of over seven hundred firearms and has conducted numerous investigations of firearms offenses. Your affiant has also been involved in numerous conversations about the facts and circumstances of firearms offenses with the investigating officers of those firearms offenses. Unless otherwise stated, the information in this affidavit is based upon your affiant's personal knowledge.
2. The seizure of all the below stated evidence occurred on March 25, 2007, in the City of Wilmington, State and Judicial District of Delaware, as stated to me by Wilmington Police Officers with personal knowledge of the seizure of the below items.
3. Your affiant reviewed the computer criminal history information for the Defendant, TIMOTHY J. WATSON from the Delaware Justice Information System (DELJIS) and learned that the defendant had five prior felony convictions, namely:
 - On February 9, 2005 in New Castle County Superior Court, for Receiving Stolen Property, over \$1000.00.
 - On July 21, 2004, in New Castle County Superior Court, for Receiving Stolen Property, over \$1000.00.
 - On October 9, 2002 in Sussex County Superior Court, for Assault 2nd Degree, Reckless or Intentional Physical Injury to a Pregnant Female.
 - On January 20, 1999 in New Castle County Superior Court, for Escape after Conviction.
 - On July 28, 1997 in New Castle County Superior Court, for Receiving Stolen Property, over \$1000.00.

All of which occurred in the State of Delaware, and are crimes punishable by imprisonment for a term exceeding one year.

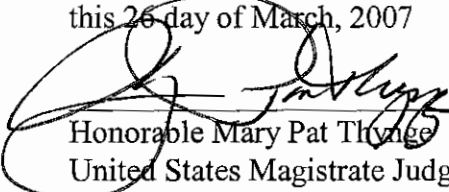
4. Based upon information stated to me by a Wilmington Delaware Police Officer who has personal knowledge of the below facts, your affiant learned the following.
 - a. On March 25, 2007, Wilmington Delaware uniformed Police Officers were in the city of Wilmington participating in another call for service in the general area of 5th and Delamore Streets when they heard a single gun shot coming from the area of 4th and Delamore Streets. Shortly there after the officers then heard an additional three gunshots now coming from the area of 4th and Rodney Streets. The Wilmington police officers proceeded to the area on foot.
 - b. When the Wilmington police arrived in the general area from which the shots were heard, the Wilmington police officers observed bystanders who appeared scared and were pointing to the area of 4th and Broom Streets. The bystanders informed the Wilmington police officers that someone had been shooting from that area.
 - c. The Wilmington police officers responded to the area and observed a black male wearing dark colored clothing hunched over on the south side of the 1400 block of West 4th Street. The Wilmington police officers, concerned for the person's well being, approached the man and ask him if he was injured. The man appeared startled at the Wilmington police officer's presence and stood straight up. As the man made this movement, the Wilmington police officer observed a dark colored handgun fall to the ground from the man. The officers took the man into custody.
 - d. The Wilmington police officers then recovered the discarded firearm. The firearm was a H & R brand, model 929, .22 long rifle caliber, revolver, the chambered cylinder of which was loaded with eight live and one spent rounds of ammunition.
 - e. The officers conducted a criminal history check for Timothy J. Watson, and it was found that Watson had numerous prior felony convictions. The Wilmington police officers then contacted your affiant as the operation FED-UP protocol.
5. I am an ATF Special Agent who has been expertly trained and experienced in determining the interstate nexus of firearms and ammunition, and have been admitted as such in the United States District Court in and for the District of Delaware. Your affiant personally viewed the firearm and ammunition and knows that they were manufactured in a state other than Delaware, such that its possession in Delaware would have necessarily required that the firearm and ammunition had crossed state lines prior to its possession in Delaware and such that the possession of that firearm and ammunition in Delaware would have affected interstate and or foreign commerce.
6. Your affiant is aware that the recovered firearm is a firearm as defined in Title 18, United States Code, Chapter 44, Section 921(a)(3) and that the ammunition is ammunition as defined in Title 18, United States Code, Chapter 44, Section 921(a)(17)(A).

Wherefore, based upon your affiant's training and experience, your affiant believes that there is probable cause to believe that the defendant violated 18 U.S.C. 922(g) and 924(a)(2) by possessing in and affecting interstate and or foreign commerce a firearm, after having previously been convicted of a felony crime punishable by imprisonment for a term exceeding one year and respectfully requests that the Court issue a Criminal Complaint charging that offense.

 SA. ATF

Scott C. Curley
Special Agent, ATF

Sworn to and subscribed in my presence
this 26 day of March, 2007



Honorable Mary Pat Thynge
United States Magistrate Judge
District of Delaware